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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Report of the Third Committee

Rapporteur: Mr. Ahmed Yousif MOHAMED (Sudan)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fiftieth session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Committee considered the item at its 19th to 23rd, 25th, 32nd to 34th and 36th meetings, from 6 to 10, 17, and 20 to 22 November 1995. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/50/SR.19-23, 25, 32-34 and 36).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapter of the report of the Economic and Social Council for 1995 (A/50/3);

(b) Report of the United Nations High Commissioner for Refugees; 1/

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12).

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(c) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-sixth session (A/50/12/Add.1);

(d) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/50/413);

(e) Report of the Secretary-General on comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements (A/50/414);

(f) Report of the Secretary-General on assistance to unaccompanied refugee minors (A/50/555);

(g) Letter dated 10 July 1995 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General (A/50/275-S/1995/555);

(h) Letter dated 9 November 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/50/7);

(i) Letter dated 13 November 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/50/8).

4. At the 3rd meeting, on 9 October, the Under-Secretary-General for Policy Coordination and Sustainable Development addressed the Committee (see A/C.3/50/SR.3).

5. At the 19th meeting, on 6 November, the Director of the Office of the United Nations High Commissioner for Refugees in New York made an introductory statement.

6. At the 33rd meeting, on 20 November, the United Nations High Commissioner for Refugees made a statement and addressed questions raised by a number of delegations (see A/C.3/50/SR.33).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/50/L.17

7. At the 32nd meeting, on 17 November, the representative of South Africa, on behalf of the Group of African States, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/50/L.17).

8. In introducing the draft resolution, the representative of South Africa orally revised it by replacing operative paragraphs 25 and 26, which had read:

"25. Calls upon the Secretary-General, the High Commissioner, the Department of Humanitarian Affairs of the Secretariat, United Nations humanitarian organizations, the International Federation of Red Cross and Red Crescent Societies, regional and international financial institutions, the International Organization for Migration and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general, and to engage specifically in the building of capacity to mobilize effective regionalized burden-sharing by the High Commissioner, the Department of Humanitarian Affairs, United Nations humanitarian organizations, States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

"26. Requests the High Commissioner to review her general programmes in Africa to take account of the increasing requirements in that region and with a view to continuing her efforts and expanding her activities, within the context of effective regional burden-sharing with the Department of Humanitarian Affairs, other appropriate United Nations humanitarian organizations, the Organization of African Unity, other intergovernmental organizations, regional organizations and governmental and non-governmental organizations, in order to consolidate aid and increase essential services to refugees, returnees and displaced persons",

by the following text:

"25. Calls upon the Secretary-General, the High Commissioner, the Department of Humanitarian Affairs of the Secretariat, United Nations humanitarian organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, regional and international financial institutions, the International Organization for Migration and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general, with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

"26. Requests the High Commissioner to review her general programmes in Africa to take account of the increasing requirements in that region and with a view to continuing her efforts and expanding her activities in close collaboration with the Organization of African Unity, regional organizations and governmental and non-governmental organizations in Africa, in order to consolidate aid and increase essential services to refugees, returnees and displaced persons".

9. At the 34th meeting, on 21 November, the Committee adopted draft resolution A/C.3/50/L.17, as orally revised (see para. 26, draft resolution I).

B. Draft resolution A/C.3/50/L.18

10. At the 32nd meeting, on 17 November, the representative of the Sudan, on behalf of Guinea-Bissau, the Islamic Republic of Iran, Jordan, Mauritania, Morocco, Pakistan, the Philippines, Qatar, the Sudan, the Syrian Arab Republic and Turkey, introduced a draft resolution entitled "Assistance to unaccompanied refugee minors" (A/C.3/50/L.18).

11. At the 34th meeting, on 21 November, the Committee adopted draft resolution A/C.3/50/L.18 (see para. 26, draft resolution II).

C. Draft resolution A/C.3/50/L.19

12. At the 32nd meeting, on 17 November, the Secretary of the Committee read out corrections to the draft resolution entitled "Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements" (A/C.3/50/L.19), as follows:

(a) In the first preambular paragraph, the word "Recalling" was replaced by the word "Noting";

(b) In the second preambular paragraph, the word "also" was deleted after the word "Recalling".

13. At the same meeting, the representative of the Russian Federation, on behalf of Armenia, Belarus, Denmark, Georgia, Germany, Hungary, Iceland, Kazakstan, Kyrgyzstan, Norway, the Russian Federation, Spain, Sweden and Ukraine, introduced the draft resolution. Subsequently, Afghanistan, Austria, Finland, Ireland, Israel, Italy, the Marshall Islands, the Netherlands, Panama, Portugal, Tajikistan, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

14. In introducing the draft resolution, the representative of the Russian Federation orally revised it as follows:

In operative paragraph 3, the word "returnees" between the words "refugees" and "displaced persons" was deleted and the words "and returnees" were added after the words "involuntary displacement".

15. At the 34th meeting, on 21 November, the Committee adopted draft resolution A/C.3/50/L.19, as orally corrected and revised (see para. 26, draft resolution III).

16. After the adoption of the draft resolution, the representative of Azerbaijan made a statement (see A/C.3/50/SR.34).

D. Draft resolution A/C.3/50/L.20 and Rev.1

17. On 13 November, a draft resolution was submitted by Albania, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bulgaria, Canada, Cyprus, the

Czech Republic, Denmark, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Monaco, Morocco, Namibia, the Netherlands, Norway, Pakistan, Panama, Poland, Portugal, the Republic of Korea, the Russian Federation, Rwanda, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/50/L.20), which read:

"The General Assembly,

"Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 2/ and the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-sixth session, 3/

"Recalling its resolution 49/169 of 23 December 1994,

"Emphasizing the primacy of the 1951 Convention 4/ and the 1967 Protocol 5/ relating to the Status of Refugees as forming the international legal basis for the protection of refugees, and noting with satisfaction that 130 States are now parties to one or both instruments,

"Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems,

"Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

"Distressed at the continued suffering of refugees for whom a solution has yet to be found, and noting with deep concern that refugee protection continues to be jeopardized in many situations as a result of denial of admission, unlawful expulsion, refoulement, unjustified detention, other threats to their physical security, dignity and well-being and failure to respect and ensure their fundamental freedoms and human rights,

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2/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12).

3/ Ibid., Supplement No. 12A (A/50/12/Add.1).

4/ United Nations, Treaty Series, vol. 189, No. 2545.

5/ Ibid., vol. 606, No. 8791.

"Welcoming the continuing strong commitment of States to providing protection and assistance to refugees and the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks, and commending those States, particularly the least developed and those hosting millions of refugees over long periods of time, which, despite severe economic, development and environmental challenges of their own, continue to admit large numbers of refugees into their territories,

"Concerned that statelessness, including the inability to establish one's nationality, may result in displacement, and stressing, in this regard, that the prevention and reduction of statelessness and the protection of stateless persons are important also in the prevention of potential refugee situations,

"1. Strongly reaffirms the fundamental importance of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking solutions to refugee problems, and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

"2. Calls upon all States that are not yet party to accede to, and all States to implement fully, the 1951 Convention and its 1967 Protocol relating to the Status of Refugees, and relevant regional refugee instruments, as applicable, for the protection of refugees;

"3. Also calls upon all States to uphold asylum as an indispensable instrument for the protection of refugees, to safeguard the right to seek and enjoy in other countries asylum from persecution and to ensure respect for the principles of refugee protection, including the fundamental principle of non-refoulement, as well as the humane treatment of asylum-seekers and refugees in accordance with internationally recognized human rights and humanitarian norms;

"4. Reaffirms the continued importance of resettlement as an instrument of protection;

"5. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and looks forward to the informal consultations of the Office of the High Commissioner on the subject;

"6. Calls for a more concerted response by the international community to the needs of internally displaced persons and, in accordance with its resolution 48/116, reaffirms its support for the High Commissioner's efforts, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the State concerned, and taking into account the complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to such persons, emphasizing that activities on behalf of internally displaced

persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

"7. Reiterates also the relationship between safeguarding human rights and preventing refugee situations, recognizes that for States to fulfil their humanitarian responsibilities in reintegrating returning refugees and in addressing some of the causes of refugee movements, an effective human rights regime is essential, including institutions which sustain the rule of law, justice and accountability, and in this connection calls upon the Office of the High Commissioner to strengthen its activities in support of national legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights;

"8. Reiterates further the critical importance of development and rehabilitation assistance in addressing some of the causes of refugee situations, and also in the context of development of prevention strategies;

"9. Condemns all forms of ethnic violence and intolerance, which are among the major causes of forced displacements, as well as an impediment to durable solutions to refugee problems, and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

"10. Welcomes the Platform for Action adopted at the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, 6/ particularly the strong commitment made by States in the Platform to refugee women and other displaced women in need of international protection, and calls upon the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution, including persecution through sexual violence or other gender-related persecution, specifically aimed at women for reasons enumerated in the 1951 Convention and 1967 Protocol, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application;

"11. Reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character and all parties are obliged to abstain from any activity likely to undermine this, condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and also those that may endanger the safety and stability of States, calls upon States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, and further calls upon States of refuge to take effective

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6/ A/CONF.177/20, chap. I, resolution 1, annex II.

measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers and to afford the Office of the High Commissioner and other appropriate humanitarian organizations prompt and unhindered access to them;

"12. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976;

"13. Requests the Office of the High Commissioner, in view of the limited number of States party to these instruments, actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

"14. Calls upon States to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and by eliminating provisions that permit the renunciation of a nationality without the prior possession or acquisition of another nationality;

"15. Reaffirms that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who are not recognized as refugees;

"16. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies;

"17. Recalls Economic and Social Council resolution 1995/56 of 29 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and welcomes the decision of the Executive Committee to review in the course of 1996 aspects of that resolution relevant to the work of the Office of the High Commissioner;

"18. Notes with appreciation the programme policies established by the Executive Committee of the High Commissioner's Programme and underscores the importance of their implementation by the Office of the High Commissioner, implementing partners and other relevant organizations in

order to ensure the provision of effective protection and humanitarian assistance to refugees;

"19. Reaffirms the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed and developing countries that have hosted refugees over long periods of time, welcomes efforts by the Office of the High Commissioner to make a more focused contribution to resolving refugee-related environmental problems, and calls upon the High Commissioner to promote and enhance coordination and collaboration with host Governments, donors, relevant United Nations organizations, intergovernmental organizations, non-governmental organizations and other actors concerned to address refugee-related environmental problems in a more integrated and effective manner;

"20. Recognizes the importance of the introduction of Russian as an official language of the Executive Committee of the Programme of the High Commissioner in facilitating the work of the High Commissioner and implementation of the provisions of the 1951 Convention relating to the Status of Refugees, notably in the Commonwealth of Independent States;

"21. Calls upon all Governments and other donors to show their international solidarity and burden-sharing with countries of asylum through efforts aimed at alleviating the burden borne by States that have received large numbers of refugees, in particular those with limited resources, and to contribute to the programmes of the Office of the High Commissioner and, taking into account the effect on countries of asylum of the increasing requirements of large refugee populations, and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met."

18. At the 33rd meeting, on 20 November, the Secretary of the Committee read out corrections to the revised draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/50/L.20/Rev.1), as follows:

(a) In operative paragraph 9, the words "within its mandate and at the request of the Government concerned" were added after the words "Office of the High Commissioner";

(b) In operative paragraph 16, the words "while at the same time recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality" were added at the end of the paragraph.

19. At the same meeting, the representative of Denmark, on behalf of the sponsors of draft resolution A/C.3/50/L.20, as well as Algeria, Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Costa Rica, Côte d'Ivoire, the Dominican Republic, El Salvador, the Gambia, Guatemala, Haiti, Honduras, Kenya, Lesotho, Liberia, Liechtenstein, Mozambique, New Zealand, Nicaragua, Nigeria,

Paraguay, Peru, Romania, Swaziland, Togo, the United Republic of Tanzania, Zambia and Zimbabwe, introduced the revised draft resolution. Subsequently, Andorra, Antigua and Barbuda, Benin, Bolivia, Cape Verde, Chile, Croatia, Ecuador, Gabon, Guinea-Bissau, Mali, Malta, the Marshall Islands, Nepal, the Philippines, Sierra Leone, Suriname, Thailand, the former Yugoslav Republic of Macedonia and Uganda joined in sponsoring the revised draft resolution.

20. At the 36th meeting, on 22 November, the Secretary of the Committee read out further corrections to the revised draft resolution, as follows:

In operative paragraph 9, the words "activities in" after the words "to strengthen its" were deleted and the words "efforts at" were inserted before the words "legal and judicial capacity-building".

21. Also at the 36th meeting, the Secretary of the Committee read out the following statement of the conference-servicing implications of the revised draft resolution (see A/C.3/50/SR.36):

> "Under operative paragraph 23 of draft resolution A/C.3/50/L.20/Rev.1, the General Assembly recognizes the importance of the introduction of Russian as an official language of the Executive Committee of the Programme of the High Commissioner in facilitating the work of the High Commissioner and implementation of the provisions of the 1951 Convention relating to the Status of Refugees, notably in the Commonwealth of Independent States.
>
> "It is assumed that, as a result of the introduction of Russian as an official language, the additional conference-servicing requirements of the meetings of the Executive Committee of the Programme of the High Commissioner would be met from within the resources programmed under section 26E of the proposed programme budget for the biennium 1996-1997, and would not require additional appropriations."

22. At the same meeting, statements were made by the representatives of Ukraine and the Russian Federation as well as by the Chairman of the Committee (see A/C.3/50/SR.36).

23. At the same meeting, following further consultations, the representative of Denmark further orally revised the draft resolution as follows:

In operative paragraph 23, the words "the countries of" were inserted before the words "the Commonwealth of Independent States".

24. At the same meeting, the Committee adopted draft resolution A/C.3/50/L.20/Rev.1, as further orally corrected and revised (see para. 26, draft resolution IV).

25. After the adoption of the draft resolution, the representatives of Turkey, Singapore and Ukraine made statements (see A/C.3/50/SR.36).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

26. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 49/174 of 23 December 1994,

Having considered the report of the Secretary-General 7/ and the report of the United Nations High Commissioner for Refugees, 8/

Bearing in mind the fact that most of the affected countries are least developed countries,

Convinced of the necessity to strengthen the capacity within the United Nations system for the implementation and overall coordination of relief programmes for refugees, returnees and displaced persons,

Welcoming the prospects for voluntary repatriation and durable solutions to the refugee problems throughout Africa,

Recalling its resolution 49/7 of 25 October 1994, in which it endorsed the convening of a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region,

Taking into account resolution CM/Res.1588 (LXII) on refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its sixty-second ordinary session, held at Addis Ababa from 21 to 23 June 1995, 9/

Recognizing the need for States to create conditions conducive to the prevention of flows of refugees and displaced persons and to voluntary repatriation,

Bearing in mind that the majority of refugees and displaced persons are women and children,

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7/ A/50/413.

8/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12).

9/ See A/50/647, annex I.

1. Takes note of the report of the Secretary-General and the report of the United Nations High Commissioner for Refugees;

2. Notes with concern the effects of political instability, internal strife, human rights violations, foreign intervention, poverty and natural disasters, such as drought, in increasing the number of refugees and displaced persons in some countries of Africa;

3. Expresses deep concern at the serious and far-reaching consequences of the presence of large numbers of refugees and displaced persons in the receiving countries and the implications for their security, their long-term socio-economic development and the environment;

4. Expresses its appreciation and strong support for those African Governments and local populations which, in spite of the general deterioration of socio-economic and environmental conditions, as well as over-stretched national resources, continue to accept the additional burdens imposed by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

5. Commends the Governments concerned for their sacrifices, for providing assistance to refugees, returnees and displaced persons and for their efforts to promote voluntary repatriation and other measures taken to find appropriate and lasting solutions;

6. Expresses its gratitude to the international community for the humanitarian assistance it has continued to render to refugees and displaced persons and to the countries of asylum, and calls upon it to continue to provide assistance to the millions of refugees and displaced persons in Africa;

7. Expresses its concern regarding instances, in some parts of Africa, where the fundamental principle of asylum is jeopardized as a result of unlawful expulsion, refoulement, or other threats to life, physical security, dignity and well-being;

8. Welcomes the strengthening of cooperation between the Office of the United Nations High Commissioner for Refugees and the Organization of African Unity at all levels, and urges the two organizations, with relevant subregional bodies, United Nations and non-governmental organizations, the international community and the Governments concerned, to increase their efforts to address the root causes, work out strategies and find durable solutions to the problems of displacement in Africa;

9. Also welcomes the initiatives of the High Commissioner to implement General Assembly resolution 49/7, and endorses the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as a framework for solution-oriented approaches to the humanitarian problems in the Great Lakes region;

10. Calls upon the Office of the High Commissioner to intensify its protection activities by, inter alia, supporting the efforts of African

Governments through appropriate training of relevant officers and other capacity-building activities, disseminating information about refugee instruments and principles and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

11. Expresses its appreciation for the efforts of Governments and for the important work being done by the Office of the High Commissioner, United Nations organizations, the International Organization for Migration, non-governmental organizations and other cooperating bodies on the implementation of voluntary repatriation of refugees in Africa, and calls upon the Office of the High Commissioner, in conjunction with the Organization of African Unity and Governments concerned, subregional groupings and other interested parties, actively to continue to seek sustainable solutions to the refugee problem in Africa, in particular through facilitating voluntary return in a dignified and orderly manner;

12. Appeals to Governments, United Nations and non-governmental organizations and the international community to create conditions that can facilitate the voluntary return and the early rehabilitation and reintegration of refugees;

13. Commends the Governments of the Great Lakes region and the High Commissioner on their initiatives to promote repatriation within the framework of tripartite agreements on voluntary repatriation of refugees in the region;

14. Encourages the Office of the High Commissioner to continue to cooperate with the office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

15. Calls upon the Office of the High Commissioner, in conjunction with host Governments, United Nations and non-governmental organizations and the international community, to undertake an early assessment of the negative impacts of large refugee concentrations on the host communities, with a view to initiating timely and concrete measures to prevent damage and to assist in its repair, especially damage caused by mass refugee influxes to the environment and ecosystems in host countries;

16. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner with the cooperation and collaboration of many countries hosting refugees, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

17. Expresses its concern about the long stay of refugees in certain African countries and calls upon the High Commissioner to keep under review her programmes in those countries, taking into account the increasing requirements there;

18. Expresses its appreciation to the Secretary-General, the High Commissioner, the specialized agencies, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, donor countries and intergovernmental and non-governmental organizations for their assistance in mitigating the plight of the large number of refugees, returnees and displaced persons;

19. Expresses the hope that additional resources will be made available for general refugee programmes to keep pace with refugee needs;

20. Calls upon Governments, United Nations organizations, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the Office of the High Commissioner on the basis of the experience of the emergency in Rwanda, and to continue providing needed resources and operational support to Rwandese refugees and the host countries until a permanent solution can be implemented;

21. Also calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in areas affected by refugees in countries of asylum;

22. Further calls upon Member States and intergovernmental and non-governmental organizations to continue to provide the necessary support and financial assistance to the High Commissioner to enhance her capacities and abilities to implement emergency operations, care and maintenance activities and repatriation and reintegration programmes for the benefit of refugees, returnees and, as appropriate, internally displaced persons;

23. Appeals to Member States and international and non-governmental organizations to provide adequate financial, material and technical assistance for relief and rehabilitation programmes for the large number of refugees, voluntary returnees and displaced persons and victims of natural disasters and to the affected countries;

24. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children;

25. Calls upon the Secretary-General, the High Commissioner, the Department of Humanitarian Affairs of the Secretariat, United Nations humanitarian organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, regional and international financial institutions, the International Organization for Migration and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general, with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

26. Requests the High Commissioner to review her general programmes in Africa to take account of the increasing requirements in that region and with a

view to continuing her efforts and expanding her activities in close collaboration with the Organization of African Unity, regional organizations and governmental and non-governmental organizations in Africa, in order to consolidate aid and increase essential services to refugees, returnees and displaced persons;

27. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-first session, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and an oral report to the Economic and Social Council at its substantive session of 1996.

DRAFT RESOLUTION II

Assistance to unaccompanied refugee minors

The General Assembly,

Reaffirming its resolution 49/172 of 23 December 1994,

Aware that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of those unaccompanied minors is their return to and reunification with their families,

Noting that the Office of the United Nations High Commissioner for Refugees has developed revised Guidelines on Refugee Children, issued in May 1994,

Noting also the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child 10/ and the 1951 Convention 11/ and the 1967 Protocol 12/ relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General; 13/

10/ Resolution 44/25, annex.

11/ United Nations, Treaty Series, vol. 189, No. 2545.

12/ Ibid., vol. 606, No. 8791.

13/ A/50/555.

2. Expresses its deep concern at the plight of unaccompanied refugee minors, and emphasizes the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

3. Calls upon all Governments, the Secretary-General, the United Nations High Commissioner for Refugees, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;

4. Urges the Office of the United Nations High Commissioner for Refugees, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of the unaccompanied refugee minors and for their reunification with their families;

5. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their recruitment in military forces, and any other acts that endanger their safety and personal security;

6. Calls upon the Secretary-General, the High Commissioner, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund and other United Nations organizations and international organizations to mobilize adequate assistance to unaccompanied minors in the areas of relief, education, health and psychological rehabilitation;

7. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the implementation of the present resolution.

DRAFT RESOLUTION III

Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements

The General Assembly,

Noting the 1951 Convention 14/ and the 1967 Protocol 15/ relating to the Status of Refugees,

Recalling its resolutions 48/113 of 20 December 1993 and 49/173 of 23 December 1994,

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14/ United Nations, Treaty Series, vol. 189, No. 2545.

15/ Ibid., vol. 606, No. 8791.

Having considered the report of the Secretary-General 16/ and the report of the United Nations High Commissioner for Refugees, 17/

Reaffirming the need for the international community to consider comprehensive approaches for the coordination of action with regard to refugees, returnees, displaced persons and related migratory movements,

Considering the magnitude of existing and potential refugee and related migratory movements in the countries of the Commonwealth of Independent States and relevant neighbouring States,

1. Takes note of the report of the Secretary-General 16/ as well as of the report of the United Nations High Commissioner for Refugees, 17/ in particular paragraph 30 of the addendum to the report;

2. Calls upon the United Nations High Commissioner for Refugees, in consultation with States concerned and in coordination with relevant intergovernmental, regional and non-governmental organizations, to continue to consider and develop comprehensive regional approaches to the problems of refugees and displaced persons;

3. Expresses its appreciation to the High Commissioner for her efforts to promote and develop a transparent preparatory process for a regional conference to address the problems of refugees, displaced persons and other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States;

4. Welcomes the establishment of a common secretariat for the preparation of the conference, comprising the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe and its Office for Democratic Institutions and Human Rights;

5. Requests the High Commissioner, in close cooperation with States and intergovernmental organizations concerned, to convene the conference in 1996;

6. Expresses its appreciation to United Nations bodies and agencies and other international organizations and institutions for their valuable contribution to the preparatory process leading to the conference;

7. Urges all States concerned and appropriate intergovernmental, regional and non-governmental organizations to support that process;

8. Appeals to all States and regional and intergovernmental organizations to provide the necessary support and resources needed by the Secretariat for the preparation and holding of the conference;

16/ A/50/414.

17/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12); and ibid., Supplement No. 12A (A/50/12/Add.1).

9. Requests the Secretary-General to report to the General Assembly at its fifty-first session on the implementation of the present resolution.

DRAFT RESOLUTION IV

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 18/ and the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-sixth session, 19/

Recalling its resolution 49/169 of 23 December 1994,

Reaffirming the importance of the 1951 Convention 20/ and the 1967 Protocol 21/ relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and noting with satisfaction that 130 States are now parties to one or both instruments,

Reaffirming also the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

Distressed at the continued suffering of refugees, for whom a solution has yet to be found, and noting with deep concern that refugee protection continues to be jeopardized in many situations as a result of denial of admission, unlawful expulsion, refoulement, unjustified detention, other threats to their physical security, dignity and well-being and failure to respect and ensure their fundamental freedoms and human rights,

Welcoming the continuing strong commitment of States to providing protection and assistance to refugees and the valuable support extended by

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18/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12).

19/ Ibid., Supplement No. 12A (A/50/12/Add.1).

20/ United Nations, Treaty Series, vol. 189, No. 2545.

21/ Ibid., vol. 606, No. 8791.

Governments to the High Commissioner in carrying out her humanitarian tasks, and commending those States, particularly the least developed and those hosting millions of refugees over long periods of time, which, despite severe economic, development and environmental challenges of their own, continue to admit large numbers of refugees into their territories,

Recognizing that, in certain regions, misuse by individuals of asylum procedures jeopardizes the institution of asylum and adversely affects the prompt and effective protection of refugees,

Concerned that statelessness, including the inability to establish one's nationality, may result in displacement, and stressing, in this regard, that the prevention and reduction of statelessness and the protection of stateless persons are important also in the prevention of potential refugee situations,

1. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking solutions to refugee problems, and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that have not yet done so to accede to and implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and relevant regional refugee instruments, as applicable, for the protection of refugees;

3. Also calls upon all States to uphold asylum as an indispensable instrument for the protection of refugees, to ensure respect for the principles of refugee protection, including the fundamental principle of non-refoulement, as well as the humane treatment of asylum-seekers and refugees in accordance with internationally recognized human rights and humanitarian norms;

4. Reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and enjoy in other countries asylum from persecution;

5. Reiterates the importance of ensuring access, for all persons seeking international protection, to fair and efficient procedures for the determination of refugee status or, as appropriate, to other mechanisms to ensure that persons in need of international protection are identified and granted such protection, while not diminishing the protection afforded to refugees under the terms of the 1951 Convention, the 1967 Protocol and relevant regional instruments;

6. Reaffirms the continued importance of resettlement as an instrument of protection;

7. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and looks forward to the informal consultations of the Office of the High Commissioner on the subject;

8. Calls for a more concerted response by the international community to the needs of internally displaced persons and, in accordance with its resolution 49/169, reaffirms its support for the High Commissioner's efforts, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the State concerned, and taking into account the complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to such persons, emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

9. Reiterates the relationship between safeguarding human rights and preventing refugee situations, recognizes that the effective promotion and protection of human rights and fundamental freedoms, including through institutions that sustain the rule of law, justice and accountability, are essential for States to address some of the causes of refugee movements and for States to fulfil their humanitarian responsibilities in reintegrating returning refugees and in this connection calls upon the Office of the High Commissioner, within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights;

10. Also reiterates that development and rehabilitation assistance is essential in addressing some of the causes of refugee situations, as well as in the context of the development of prevention strategies;

11. Condemns all forms of ethnic violence and intolerance, which are among the major causes of forced displacements, as well as an impediment to durable solutions to refugee problems, and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

12. Welcomes the Platform for Action adopted at the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, 22/ particularly the strong commitment made by States in the Platform to refugee women and other displaced women in need of international protection, and calls upon the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution, including persecution through sexual violence or other gender-related persecution, specifically aimed at women for reasons enumerated in the 1951 Convention and 1967 Protocol, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application by the States concerned;

13. Reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character and all parties are obliged to abstain from

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22/ A/CONF.177/20, chap. I, resolution 1, annex II.

any activity likely to undermine this, condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and also those that may endanger the safety and stability of States, calls upon States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, and further calls upon States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers and to afford the Office of the High Commissioner and other appropriate humanitarian organizations prompt and unhindered access to them;

14. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976;

15. Requests the Office of the High Commissioner, in view of the limited number of States party to these instruments, actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons 23/ and the 1961 Convention on the Reduction of Statelessness, 24/ as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

16. Calls upon States to adopt nationality legislation with a view to reducing statelessness, consistent with the fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and by eliminating provisions that permit the renunciation of a nationality without the prior possession or acquisition of another nationality, while at the same time recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality;

17. Reaffirms that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and dignity;

18. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who are not recognized as refugees;

19. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in

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23/ See United Nations, Treaty Series, vol. 360, p. 117.

24/ Ibid., vol. 989, p. 175.

conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies;

20. Recalls Economic and Social Council resolution 1995/56 of 29 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and welcomes the decision of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees to review in the course of 1996 aspects of that resolution relevant to the work of the Office of the High Commissioner;

21. Notes with appreciation the programme policies established by the Executive Committee of the Programme of the High Commissioner, and underscores the importance of their implementation by the Office of the High Commissioner, implementing partners and other relevant organizations in order to ensure the provision of effective protection and humanitarian assistance to refugees;

22. Reaffirms the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed and developing countries that have hosted refugees over long periods of time, welcomes efforts by the Office of the High Commissioner to make a more focused contribution to resolving refugee-related environmental problems, and calls upon the High Commissioner to promote and enhance coordination and collaboration with host Governments, donors, relevant United Nations organizations, intergovernmental organizations, non-governmental organizations and other actors concerned to address refugee-related environmental problems in a more integrated and effective manner;

23. Recognizes the importance of the introduction of Russian as an official language of the Executive Committee of the Programme of the High Commissioner in facilitating the work of the High Commissioner and implementation of the provisions of the 1951 Convention relating to the Status of Refugees, notably in the countries of the Commonwealth of Independent States;

24. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States that have received large numbers of refugees, in particular those with limited resources, and to contribute to the programmes of the Office of the High Commissioner and, taking into account the effect on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met.